

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION

IN RE: TAASERA LICENSING LLC,  
PATENT LITIGATION

Case No. 2:22-md-03042-JRG

THIS DOCUMENT RELATES TO  
CASE NO. 2:22-cv-00303-JRG

TREND MICRO, INC.,

Plaintiff,

v.

TAASERA LICENSING LLC,

Defendant.

Case No. 2:22-cv-00303-JRG

**JURY TRIAL DEMANDED**

**PLAINTIFF’S MOTION FOR LEAVE TO FILE SUPPLEMENTAL BRIEFING  
RELATED TO TAASERA’S MOTION TO DISMISS COMPLAINT FOR  
DECLARATORY JUDGMENT FOR LACK OF SUBJECT MATTER JURISDICTION,  
OR IN THE ALTERNATIVE, TO TRANSFER OR STAY UNDER THE FIRST-OT-FILE  
RULE, AND TO DISMISS FOR FAILURE TO STATE A CLAIM (Dkt. No. 14)**

Plaintiff Trend Micro, Inc. (“Trend Micro U.S.”) respectfully moves for leave of this Court to file Supplemental Briefing related to Taasera’s pending Motion to Dismiss Complaint for Declaratory Judgment for Lack of Subject Matter Jurisdiction, or in the Alternative, to Transfer or Stay Under the First-to-File Rule, and to Dismiss for Failure to State a Claim (Case No. 2:22-cv-303, Dkt. No. 14) (“Taasera’s Motion”). Your Honor set Taasera’s Motion for an in-person hearing on Thursday, February 2, 2023, at 9:00 a.m. CT in Marshall, Texas (Case No. 2:22-md-3042, Dkt. No. 98).

Trend Micro U.S. requests permission to submit a two-page supplemental brief limited to the question of whether a district court conducting pretrial proceedings under 28 U.S.C. §1407(a)

may transfer a case to itself under any venue statute. Good cause exists for this supplemental briefing because Taasera's Motion was filed on April 14, 2022 and briefing completed on May 19, 2022, months before the Judicial Panel on Multidistrict Litigation issued its August 3, 2022 transfer order (Case No. 2:22-md-3042, Dkt. No. 1). This particular issue was therefore not briefed for the court. The parties have conferred and Taasera does not oppose Trend Micro U.S.'s motion for leave, so long as Taasera is permitted to file a two-page responsive brief on or before Friday, January 27.

Dated: January 23, 2023

Respectfully submitted,

/s/ Melissa R. Smith

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***Counsel for Plaintiff Trend Micro, Inc.***

**CERTIFICATE OF SERVICE**

The undersigned certifies that the foregoing document was filed electronically in compliance with Local Rule CV-5(a). Plaintiff's counsel of record were served with a true and correct copy of the foregoing document by electronic mail on January 23, 2023.

/s/ Melissa R. Smith

**CERTIFICATE OF CONFERENCE**

The undersigned hereby certifies that the parties met and conferred as to the relief requested herein. Counsel for Plaintiff indicated that Plaintiff does not oppose the instant motion as long as Plaintiff is allowed a two-page response to be filed on or before January 27, 2023.

/s/ Melissa R. Smith